

RECEIVED
CENTRAL FAX CENTER

JAN 20 2005

Express Mail No. EL833230581

Attorney Docket: XY Super Cont

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

In Re the Application of: George Seidel, Lisa Herickhoff, John Schenk

Serial Number: 09/448,643

Filed: November 24, 1999

New Title: Multiple Sexed Embryo Production System for Mammals

Group Art Unit: 1655

Examiner: Myers, C

Assignee: Colorado State University through its agent Colorado State University
Research Foundation and XY, Inc.

AFFIDAVIT UNDER 37 C.F.R. §1.132

UNITED STATES OF AMERICA)
STATE OF COLORADO) ss.
COUNTY OF LARIMER)

I, George Seidel, a resident of LaPorte, in the County of Larimer, and the State of Colorado, duly sworn and under oath, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

1. I am an employee of the Assignee of the above-referenced patent application, Colorado State University, my title with Colorado State University is Professor.

2. I am a co-author of the reference cited in the United States Patent and Trademark Office communication mailed March 21, 2001 entitled "Uterine Horn Insemination of Heifers With Very Low Numbers of Nonfrozen and Sexed Spermatozoa" authored by G.E. Seidel Jr., C.H. Allen, L.A. Johnson, M.D. Holland, Z. Brink, G.R. Welch, J.K. Graham and M.B. Cattell, published by Theriogenology 48:1255-1264 (1997) (the "Seidel" reference).

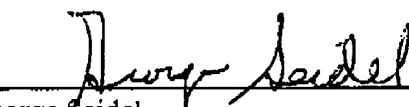
3. I am also a co-inventor with respect to the invention recited by claims 124-141 of the above-referenced patent application against which the Seidel referenced is cited.

4. The Seidel reference is a published article describing my own work.

5. The contributions made by co-authors C.H. Allen, L.A. Johnson, M.D. Holland, Z. Brink, G.R. Welch, J.K. Graham and M.B. Cartell to the Seidel reference were not also inventive contributors because each of these co-authors conducted their efforts as collaborators under my direction as inventor.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DATED this 20th day of September, 2001.




George Seidel

UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND SWORN to before me in the County of Larimer, State of Colorado, United States of America, by George Seidel, this 20th day of September, 2001.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.



Notary Public
My Commission Expires: 7-15-2003



My Commission Expires 07/15/2003